92-680

Supreme Court, U.S.
FILED
SEP 21 1992
OFFICE OF THE CLERK

==========

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

==========

JEAN WOERNER, PETITIONER

VERSUS

HARRY BRUNT, M.D., RESPONDENT

==========

PETITION FOR WRIT OF CERTIORARI
SUPRENE COURT OF NEW JERSEY

==========

PETITION FOR WRIT OF CERTIORARI

==========

PETITIONER IS ACTING PRO SE

619 SECOND AVE.
AVON, N.J. 07717
(908) 775-2454

QUESTIONS PRESENTED

THE BROAD QUESTION HERE IS WHETHER THE DEMOCRATIC INTEGRITY OF COMMITMENT LAW INVOLVES A SUBSTANTIAL CONSTITUTIONAL QUESTION, WHICH RESOLVES ITSELF INTO THIS NARROW QUESTION:

WHETHER PETITIONER WAS DEPRIVED OF DUE PROCESS OF LAW BY THE SUPREME COURT OF NEW JERSEY'S REFUSAL TO HEAR THE MATTER ON THE BASIS THAT THE MATTER FAILED TO PRESENT A SUBSTANTIAL CONSTITUTIONAL QUESTION. RULE 2:2-1(a)(1).

WHETHER EQUAL PROTECTION OF THE LAWS IS A SUBSTANTIAL CONSTITUTIONAL QUESTION THAT IPSO FACTO MEETS THE STANDARD FOR AS-OF-RIGHT APPEALS AS LAID OUT IN RULE 2:2-1(a)(1).

WHETHER PETITIONER PRESENTED SUCH A QUESTION TO THE SUPREME COURT OF NEW JERSEY IN HIS APPEAL AS-OF-RIGHT OF JANUARY 6, 1992.

TABLE OF CONTENTS:

PAGE 1: QUESTIONS PRESENTED

PAGE 2: TABLE OF AUTHORITIES

PAGE 3: COUNSEL OF RECORD FOR RESPONDENT

PAGE 4: FORMAL PETITION AND ORDER BELOW

PAGE 5: JURISDICTION AND CONSTITUTIONAL PROVISIONS INVOLVED

PAGE 6: A CONCISE STATEMENT OF THE CASE: FACTS MATERIAL TO THE CONSIDERATION OF THE QUESTIONS PRESENTED

PAGE 17: THE PICKED CHICKEN

PAGE 18: REASONS FOR THE ALLOWANCE OF THE WRIT AMPLIFIED

PAGE 21: CONCLUSION

APPENDIX

PAGE 1: A REPRODUCTION OF THE ORDER OF THE SUPREME COURT OF NEW JERSEY, FILED APRIL 30, 1992, GRANTING

THE MOTION TO DISMIS PETITIONER'S APPEAL AS OF RIGHT OF JANUARY 6, 1992 ON THE BASIS THAT THE MATTER FAILED TO PRESENT A SUBSTANTIAL CONSTITUTIONAL QUESTION. RULE 2:2-1(a)(1)

PAGE 2: A REPRODUCTION OF THE ORDER OF THE SUPREME COURT OF NEW JERSEY, FILED JUNE 25, 1992, DENYING PETITIONER'S MOTION FOR RECONSIDERATION.

PAGE 3: A QUOTE FROM PAGE 4 OF THE BRIEF ON THE MERITS OF JANUARY 6, 1992

PAGE 4: THE OPINION OF THE APPELLATE DIVISION, FILED NOVEMBER 6, 1991, AFFIRMING THE SUMMARY JUDGEMENT ORDER OF JUDGE QUACKENBOSS OF DECEMBER 7, 1990.

PAGE 9: JUDGE QUACKENBOSS'S LETTER OF DECISION OF DECEMBER 6, 1990

PAGE 16: THE SUMMARY JUDGEMENT ORDER OF DECEMBER 7, 1990

PAGE 18: A COPY OF THE TRANSCRIPT COVER OF THE SUMMARY JUDGEMENT HEARING OF AUGUST 4, 1989

PAGE 19: THE CERTIFICATION OF THE

TRANSCRIBER, GAIL L. SCHILIZZI

TABLE OF AUTHORITIES

JUDGE ROBERT H. BORK FOR PETITIONER:

"THE DEMOCRATIC INTEGRITY OF THE LAW, HOWEVER, DEPENDS ENTIRELY UPON THE DEGREE TO WHICH ITS PROCESSES ARE LEGITIMATE." PAGE 1
THE TEMPTING OF AMERICA, THE POLITICAL SEDUCTION OF THE LAW

THE RULES GOVERNING THE COURTS OF NEW JERSEY:

RULE 2:2-1)a)(1): APPEALS TO THE SUPREME COURT FROM FINAL JUDGEMENTS:

(a) AS OF RIGHT

(1) IN CASES DETERMINED BY THE APPELLATE DIVISION INVOLVING A SUBSTANTIAL QUESTION ARISING UNDER THE CONSTITUTION OF THE UNITED STATES OR THIS STATE
PAGE 1

THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION: SECTION ONE PAGE 5

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

JEAN WOERNER, PETITIONER

VERSUS

HARRY BRUNT, M.D., RESPONDENT

DOCKET NUMBER W-05951-89

MIDDLESEX COUNTY SUPERIOR COURT, LAW DIVISION

NEW BRUNSWICK, N.J. 08903

PRESIDING JUDGE: ROBERT T. QUACKENBOSS

COUNSEL OF RECORD FOR RESPONDENT, HARRY BRUNT, IS CHARLES DALEY, JR., ESQ. OF THE LAW FIRM OF GROSSMAN AND KRUTTSVHNITT: BRICK PROFESSIONAL COMPLEX, SUITE 200, 1608 HIGHWAY 88 WEST, BRICK, N.J. 08724, (908) 206-0200

PETITION FOR WRIT OF CERTIORARI

SUPREME COURT OF NEW JERSEY

TO THE SUPREME COURT OF THE UNITED STATES, PETITIONER, JEAN WOERNER, RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI ISSUE TO REVIEW THE ORDER OF THE SUPREME COURT OF NEW JERSEY ENTERED APRIL 30, 1992 AND REAFFIRMED IN AN ORDER ENTERED JUNE 25, 1992 IN REGARD TO THE ABOVE MATTER: W-05951-89

ORDER BELOW AND JURISDICTION

ON APRIL 30, 1992 THE FOLLOWING ORDER WAS ENTERED IN THE SUPREME COURT OF NEW JERSEY:

"THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ORDERED THAT THE MOTION TO DISMISS THE APPEAL IS GRANTED ON THE BASIS THAT THE MATTER FAILS TO PRESENT A SUBSTANTIAL CONSTITUTIONAL QUESTION. RULE 2:2-1(a)(1)."

AND ON JUNE 25, 1992 THE FOLLOWING ORDER WAS ENTERED:

"THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ORDERED THAT THE MOTION FOR RECONSIDERATION IS DENIED."

THESE ORDERS HAVE BEEN REPRODUCED IN FULL IN THE APPENDIX.

JURISDICTION OF THIS COURT IS INVOKED UNDER TITLE 28, UNITED STATES CODE SECTION 1257 (a).

CONSTITUTIONAL PROVISIONS INVOLVED:

THE UNITED STATES CONSTITUTION, AMENDMENT 14:

SECTION ONE: "...NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS."

A CONCISE STATEMENT OF THE CASE: FACTS MATERIAL TO THE CONSIDERATION OF THE QUESTIONS PRESENTED:

IN THE SUMMER OF 1986 PETITIONER, WHILE INCARCERATED AT MONMOUTH COUNTY JAIL, WAS EVALUATED TWICE RELATIVE TO CONFIRMING THE NEED FOR HIS CIVIL COMMITMENT .

ON 7/29/86 DOCTOR SAVJI BHATIYA HAD THIS TO SAY:

> "...PATIENT HAS MARKED PRESSURE OF SPEECH...NO INSIGHT, POOR JUDGEMENT, NO HALLUCINATIONS, NO DELUSIONS, NO SUICIDAL OR HOMICIDAL IDEATIONS OR PLANS ...DIAGNOSIS: MANIC DEPRESSIVE ILLNESS - MANIC WITHOUT PSYCHOSIS ...HE IS NOT COMMITTABLE."

ON 8/21/86 DOCTOR BHATIYA WAS AGAIN ASKED TO EVALUATE PLAINTIFF RELATIVE TO CONFIRMING THE NEED FOR THE CIVIL COMMITMENT OF PETITIONER PURSUANT TO N.J.S.A. 30:4-26.3. DOCTOR BHATIYA HAD THIS TO SAY:

> "...PATIENT STILL HAS PRESSURE OF SPEECH...PATIENT DENIES ANY

SUICIDAL OR HOMICIDAL IDEATION OR PLANS...PATIENT IS NOT COMMITTABLE ON THE GROUNDS OF BEING DANGER TO SELF OR OTHERS."

THE STATE SUPRESSED THESE TWO EVALUATIONS AND CALLED IN DOCTOR BRUNT, THE RESPONDENT, TO MAKE YET ANOTHER EVALUATION OF PETITIONER. DOCTOR BRUNT IN HIS EVALUATION OF PETITIONER NEVER ADDRESSED THE GROUNDS FOR COMMITMENT, THAT PETITIONER WAS PROBABLY PSYCHIATRICALLY DANGEROUS, YET HE RECOMMENDED A COMMITMENT ON THE GROUNDS THAT PETITIONER WAS MENTALLY ILL.

ON SEPTEMBER 8, 1986 PETITIONER WAS TEMPORARILY COMMITTED TO MARLBORO PSYCHIATRIC HOSPITAL AS A PROBABLY PSYCHIATRICALLY DANGEROUS PERSON ON THE RECOMMENDATION OF DOCTOR BRUNT, WHO NEVER ADDRESSED THE QUESTION, PURSUANT TO N.J.S.A. 30:4-26.3.

THIS COMMITMENT PROCEDURE BOGGLES THE MIND: THE ADMISSION STANDARD AT SUCH A HOSPITAL UNDER TITLE 30 REQUIRES THAT THE SUBJECT BE DEEMED PROBABLY PSYCHIATRICALLY DANGER-

OUS. HOW CAN THIS BE DETERMINED BY THE ADMITTING PSYCHIATRIST WHEN THE EXAMINING PSYCHIATRIST DOES NOT ADDRESS THE QUESTION IN HIS PSYCHIATRIC EVALUATION OF THE SUBJECT?

PETITIONER ARGUED IN HIS APPEAL TO THE SUPREME COURT OF NEW JERSEY AND ELSEWHERE, BY WAY OF EXTRAPOLATION, THAT SUCH AN ADMISSION STANDARD MADE IT INCUMBENT UPON THE EXAMINING PSYCHIATRIST (DOCTOR BRUNT), WHO, LIKE DOCTOR BHATIYA, HAD HAD THE LUXURY OF A ONE-ON-ONE PSYCHIATRIC ENCOUNTER WITH PETITIONER, TO HAVE "CERTIFIED" THAT PETITIONER WAS PROBABLY PSYCHIATRICALLY DANGEROUS IN ORDER TO CONFIRM THE NEED FOR INVOLUNTARY CONFINEMENT UNDER SAID STATUTE.

THIS ARGUMENT WAS ADVANCED IN RESPONSE TO JUDGE QUACKENBOSS'S CONTENTION THAT MENTAL ILLNES WAS THE SIMPLE STANDARD AND THAT DOCTOR BRUNT COMPLIED WITH THAT STANDARD. THE FOLLOWING APPEARS IN HIS LETTER OF DECISION OF DECEMBER 6, 1990.

"AS A MATTER OF FACT, THE STATUTE SPECIFICALLY PROVIDES THAT ADMISSION MAY BE ORDERED IF A PHYSICIAN HAS, IN FACT, EXAMINED THE PERSON AND MERELY CONFIRMED THE NEED FOR FURTHER EXAMINATION, OBSERVATION AND TREATMENT; DOCTOR BRUNT COMPLIED WITH THAT STANDARD IN HIS LETTER OF AUGUST 28. HE STATED THAT HE FELT MR. WOERNER WAS MENTALLY ILL AND IN NEED OF DIAGNOSIS AND OBSERVATION. THAT IS ALL THE LAW REQUIRED OF AN EXAMINING PHYSICIAN IN A PROCEDURE UNDER THIS STATUTE"

THIS IS FROM THE RECORD AT MIDDLESEX COUNTY, THE COURT OF FIRST INSTANCE, THE SUPERIOR COURT OF NEW JERSEY. IT APPEARS ON PAGE 2. THE WHOLE LETTER IS REPRODUCED IN THE APPENDIX.

PETITIONER ARGUED IN HIS APPEAL AS OF RIGHT OF JANUARY 6, 1992 TO THE SUPREME COURT OF NEW JERSEY THAT THE DECISION OF THE APPELLATE DIVISION OF NOVEMBER 6, 1991 SUBJECTED HIM TO A TEMPORARY COMMITMENT STANDARD MORE LENIENT (MENTAL ILLNESS) THAN THE ONE PROVIDED BY LAW (PSYCHIATRIC DANGEROUSNESS) AND IN SO DOING DEPRIVED HIM OF EQUAL PROTECTION OF THE LAWS AS GUARANTEED UNDER THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION.

PETITIONER FURTHER ARGUED IN THE COURT OF FIRST INSTANCE AND ELSEWHERE IN THE APPEAL PROCESS THAT THE LAW CREATED OR IMPOSED A COMMITMENT STANDARD TO WHICH DOCTOR BRUNT DID NOT ADHERE AND TO WHICH DOCTOR BHATIYA DID, AND THAT HIS DEVIATION FROM IT IS A MATTER OF LAW, NOT THE PROVINCE OF A MEDICAL EXPERT

WE NOW PROVIDE THE COURT WITH THAT PORTION OF THE DECISION OF THE APPELLATE COURT OF NOVEMBER 6, 1991 WHICH IS MOST RELEVANT TO THE NARROW ISSUE BEFORE THE COURT:

> "IN THIS ACTION PLAINTIFF SEEKS RECOVERY FROM DEFENDANT BRUNT FOR DAMAGES SUSTAINED AS A RESULT OF HIS CERTIFICATION. JUDGE QUACKENBOSS DISMISSED THE COMPLAINT, AND WE AFFIRM SUBSTANTIALLY FOR THE REASONS STATED IN HIS LETTER OF OPINION OF DECEMBER 6, 1990. PLAINTIFF DID NOT HAVE TO BE FOUND A DANGER TO HIMSELF OR OTHERS IN ORDER TO BE HOSPITALIZED FOR EVALUATION UNDER N.J.S.A. 30:4-26.3. COMPARE STATE v KROL, 68 N.J.236, 260-261 (1975); N.J.S.A. 30:4-27 et seq; R. 4:74-7. WE ADD THAT, DESPITE BEING GIVEN THE OPPORTUNITIES TO DO SO, PLAINTIFF CAME FORWARD WITH NO REQUIRED EXPERT PROOF THAT DOCTOR BRUNT DEVIATED FROM ANY MEDICAL STANDARD. CF. LANZET v. GREENBERG, 126 N.J. 168, 197 (1991)

(POLLACK J. DISSENTING; ROSENBERG BY ROSENBERG v. CAHILL, 99 N.J. 318, 325-327 (1985).

"ACCORDINGLY JUDGMENT IS AFFIRMED."

THE QUESTION OF EQUAL PROTECTION OF THE LAWS WAS RAISED IN THIS MANNER IN THE COURT OF FIRST INSTANCE ON AUGUST 4, 1989 IN A SUMMARY JUDGEMENT HEARING BEFORE JUDGE QUACKEN BOSS OF MIDDLESEX COUNTY SUPERIOR COURT, LAW DIVISION:

MANNER:

DEFENDANT BRUNT SOUGHT SUMMARY JUDGEMENT AND WAS REPRESENTED BY TERENCE BOLAN, ESQ. PETITIONER ARGUED IN EFFECT THAT THE LAW PROVIDED A PROTECTIVE STANDARD TO WHICH DOCTOR BRUNT HAD TO ADHERE.

THIS PART OF THE TRANSCRIPT IS ILLUMINATING: PAGE 18, LINES 3 THROUGH 25

MR. BOLAN: I AM NOT SURE WHICH QUESTION IS BEFORE YOU.

THE COURT: WELL, THE QUESTION BEFORE ME IS THE ONE THAT YOU'RE OPPOSING WITH YOUR MOTION WHICH IS WHETHER BASED ON WHAT THE EVIDENCE IS A TRIER OF FACT COULD JUSTIFIABLY SAY THAT DOCTOR BRUNT DEVIATED FROM ACCEPTED MEDICAL STANDARDS AND ORDINARILY YOU NEED AN AN EXPERT TO SAY DOCTOR BRUNT DEVIATED. MR. WOERNER DOESN'T

HAVE THAT, BUT, YOU KNOW, NO ONE'S EVER TOLD ME UNTIL THIS MORNING WHAT DOCTOR BRUNT DID OR DIDN'T DO.

NOW, I UNDERSTAND FOR THE FIRST TIME THAT HE SAID SOMETHING THAT MR. WOERNER SAYS IS A RECOMMENDATION OF A COMMITMENT TO MARLBORO. WELL, AND AT THE SAME TIME HE DID NOT MEET THE STATUTORY CRITERIA. AND THAT I THINK IS THE GIST OF WHAT MR. WOERNER IS SAYING. IS THAT THE WAY YOU UNDERSTAND IT?

MR. BOLAN: IT SOUNDS LIKE A REASONABLE SUMMARY OF WHAT MR. WOERNER SAID, BUT --

THE COURT: OKAY

MR. BOLAN: I DON'T KNOW IF THE STATUTE IMPOSES SOME STANDARD WHICH BREACH THEREOF IS MALPRACTICE.

THE COURT: OKAY

MR. BOLAN: AND I THINK THERE'S --

PAGE 19, LINES 1 THRU 6

THE COURT: WELL, I THINK THAT IS THE ISSUE. I THINK THAT IS THE QUESTION.

MR. BOLAN: AND THE STATUTORY BREACH IS A RATHER NEW ISSUE TO ME AS FAR AS MY UNDERSTANDING OF THE CASE SINCE I REALLY HAD NO STANDARD ARTICULATED TO THIS POINT.

22 THROUGH 25:

MR. BOLAN: I WOULD ASK AT THIS TIME, YOUR HONOR, A CHANCE TO RESEARCH THE STATUTE CITED TODAY AT ORAL ARGUMENT AND SUPPLY PAPERS TO THIS ALLEGATION.

THE COURT: OKAY, WHAT I THINK I HAVE TO DO IS DENY THIS MOTION. I AM GOING TO DENY IT WITHOUT PREJUDICE BECAUSE NOT ENOUGH HAS BEEN GIVEN TO ME TO MAKE ANY JUDGEMENT ON WHETHER A JURY OR A JUDGE COULD SAY THAT DOCTOR BRUNT DEVIATED FROM ACCEPTED MEDICAL STANDARDS.

JUDGE QUACKENBOSS IN HIS LETTER OF DECISION OF DECEMBER 6, 1990 FOUND THAT THE STATUTE IN QUESTION, N.J.S.A. 30:4-26.3, DID IN FACT IMPOSE A STANDARD UPON DOCTOR BRUNT: DOCTOR BRUNT HAD MERELY TO SAY THAT PETITIONER WAS MENTALLY ILL TO CONFIRM THE NEED FOR HIS COMMITMENT AS A PROBABLY PSYCHIATRICALLY DANGEROUS PERSON....DOCTOR SAVJI BHATIYA'S EVALUATION OF PETITIONER, WHICH ADDRESSED THE GROUNDS FOR THE COMMITMENT, AND WHICH WAS BEFORE THE COURT IN MIDDLESEX, WAS APPARENTLY AN ABERRATION IN THE EYES OF JUDGE QUACKENBOSS, ITS ADDRESSING THE SUBSTANCE OF THE MATTER, PSYCHIATRIC DANGEROUSNESS, BEING IRRELEVANT IN THE CIRCUMSTANCE: MOTION FOR SUMMARY JUDGEMENT GRANTED.

PETITIONER ASKS THE COURT HOW CAN THIS BE! PETITIONER WAS SEEN AS DANGEROUS AND MENTAL-

LY ILL: THE STATE SAW A DEFINITE CAUSAL RELATIONSHIP HERE AND CHOSE TO SEGREGATE HIM IN A MENTAL INSTITUTION IN ORDER TO PROTECT SOCIETY, AT WHICH TIME HE WAS TO BE OBSERVED, EXAMINED AND TREATED: THIS IS THE TOTALITY OF STATE PURPOSE AND THE STANDARD APPLIED BY JUDGE QUACKENBOSS DOES NOT NOT BEAR A REASONABLE RELATIONSHIP TO THE TOTALITY OF STATE PURPOSE AS IT IS EXPLICATED IN KROL, WHICH WAS IRONICALLY CITED BY THE APPELLATE COURT IN DEFENDING JUDGE QUACKENBOSS'S DECISION.

PETITIONER APPEALED THIS DECISION AND HAD THIS TO SAY IN HIS BRIEF ON THE MERITS, FILED WITH APPELLATE DIVISION ON MAY 16, 1991: PAGES 5 AND 6

"A MATTER OF LAW IS BEFORE THE APPELLATE COURT: WHETHER JUDGE QUACKENBOSS'S READING OF THE SUBSTANCE OF THE LAW - N.J.S.A. 30:3-26.3 - IN HIS LETTER OF DECISION OF DECEMBER 6, 1990 (Pa 3) GRANTING SUMMARY JUDGEMENT TO DEFENDANT BRUNT PUTS AT SERIOUS RISK THE SUBSTANTIVE LIBERTY INTERESTS A SUBJECT HAS IN THE INTEGRITY OF HIS MIND AND BODY: WHETHER SUCH A READING OF COMMITMENT LAW EFFECTIVELY DENIES PLAINTIF THE EQUAL PROTECTION OF THE LAW AS GUARANTEED UNDER THE 14TH AMENDMENT OF THE

CONSTITUTION: WHETHER IT NECESSARILY LEADS TO AN ABSURD CONCLUSION, A MENTAL ILLNESS STANDARD AT ONCE AT VARIANCE WITH THE "ORIGINAL UNDERSTANDING" OF THE FRAMERS OF THE STATUTE AND WITH THE STANDARD FOR INVOLUNTARY ADMISSION AT A PSYCHIATRIC HOSPITAL: THAT THE SUBJECT BE PROBABLY PSYCHIATRICALLY DANGEROUS, NOT MERELY MENTALLY ILL:

SEE BOTTOM OF PAGE 7 AND TOP OF 8

AND IT IS FURTHER ORDERED THAT SAID HOSPITAL MAY ADMIT SAID PERSON ONLY UPON THE CERTIFICATION OF THE ADMITTING PHYSICIAN THAT S/HE, IF NOT COMMITTED, WOULD BE A PROBABLE DANGER TO SELF OR OTHERS, OR PROPERTY AS A RESULT OF MENTAL ILLNESS AND THAT S/HE IS IN IMMEDIATE NEED OF CARE AND TREATMENT WHICH CANNOT PRACTICALLY OR FEASIBLY BE PROVIDED UNDER LESS RESTRICTIVE CONDITIONS.

THIS IS PRETTY STRONG STUFF, AND IT APPEARS ON PAGE 4 OF THE "INVOLUNTARY HOSPITALIZATION" ORDER OF 9/8/86 (Pa 9) AS SIGNED BY JUDGE NICOSIA PURSUANT TO THE GOVERNING STATUTE, N.J.S.A. 30:4-26.3 (Pa. 10)

WHETHER SUCH A BURDEN FOR ADMISSION UNDER THE GOVERNING STATUTE MAKES IT INCUMBENT UPON THE EXAMINING PSYCHIATRIST TO MAKE A PSYCHIATRIC SHOWING, A CERTIFICATION, THAT THE SYMPTOMS DETECTED BY HIM IN THE PSYCHIATRIC INTERVIEW AND CITED BY HIM IN THE EVALUATION AS CONFIRMATION OF NEED OF DETENTION OF A SUBJECT AT A PSYCHIATRIC HOSPITAL DO INDEED INDICATE THAT SAID SUBJECT IS PROBABLY PSYCHIATRICALLY DANGEROUS, NOT MERELY MENTALLY ILL: WHETHER THIS IS NOT THE WAY TO ACHIEVE THE DESIRED AIM ACCORDING TO LAW:

SHOW US NOT THE AIM WITHOUT

THE WAY. FOR ENDS AND MEANS
ON EARTH ARE SO ENTANGLED
THAT CHANGING ONE, YOU CHANGE
THE OTHER TOO; EACH DIFFERENT
PATH BRINGS OTHER ENDS IN VIEW."
FERDINAND LASALLE

THIS CONCLUDES OUR QUOTE FROM THE BRIEF ON THE MERITS OF MAY 16, 1991.

THE AIM OR TOTALITY OF STATE PURPOSE IS CLEAR. IT IS ALSO CLEAR THAT JUDGE QUACKENBOSS CHOSE THE WAY OF LEAST RESISTANCE. WE ASK THE COURT NOT TO DO THE SAME.

IT IS CLEAR FROM THE ABOVE THAT PETITIONER PRESENTED THE SUPREME COURT OF NEW JERSEY WITH A SUBSTANTIAL CONSTITUTIONAL QUESTION. THAT IS THE NARROW QUESTION BEFORE THE THE HIGHEST COURT OF THIS LAND: IT HAS, HOWEVER, BROAD IMPLICATIONS-AND IS A SUBJECT WORTHY OF THE COURT.

THE PICKED CHICKEN - HUMOR TO DISCOVERY

REASONS FOR THE ALLOWANCE OF THE WRIT AMPLIFIED:

THE INTELLECTUAL HONESTY OF THE JUDICIARY IS AT RISK.

THE APPELLATE DIVISION COURT HAS DECIDED A FEDERAL QUESTION, EQUAL PROTECTION OF THE LAWS (14TH AMENDMENT, UNITED STATES CONSTITUTION), THAT CONFLICTS WITH APPLICABLE DECISIONS OF THE SUPREME COURT OF THE UNITED STATES: JACKSON VERSUS INDIANA, 406 U.S. AT 730-731, 92 S.Ct. 1845, 32 L.Ed.2d. (1972) AS CITED AND EXPLICATED IN STATE VERSUS KROL, 344A.2d 289, 296-297 (1975)

PETITIONER HAD THIS TO SAY IN HIS BRIEF ON THE MERITS OF JANUARY 6, 1992:

> "VERY PERTINENTLY IT WAS DEMANDED OF PLATO WHY A PICKED CHICKEN, WHICH WAS CLEARLY A "BIPED WITHOUT FEATHERS," WAS NOT, ACCORDING TO HIS OWN DEFINITION, A MAN? BUT I AM NOT TO BE BOTHERED BY ANY SIMILAR QUERY. MAN IS AN ANIMAL THAT DIDDLES, AND THERE IS NO ANIMAL THAT DIDDLES BUT MAN. IT WILL TAKE AN ENTIRE HEN-COOP OF PICKED CHICKENS TO GET OVER THAT." POE

CLEARLY THE FOCUS IS TOO NARROW...

PETITIONER'S ARGUMENT WAS DENOMINATED THE "TOTALITY-OF-STATE-PURPOSE-EXTRAPOLATION ARGUMENT": IN EFFECT THE APPELLATE COURT HAS CREATED A BENIGN-MENTAL-ILLNESS STANDARD FOR THE EXAMINING PSYCHIATRIST: HE MUST MERELY SHOW THAT THE SUBJECT IS MENTALLY ILL IN ORDER TO JUSTIFY HIS COMMITMENT. BUT PERSONS WHO ARE MENTALLY ILL ARE NOT NORMALLY PROBABLY PSYCHIATRICALLY DANGEROUS AND IN NEED OF COMMITMENT: JUST THE OPPOSITE.

PAGE 2 OF THE LEGAL ARGUMENT OF JANUARY 6, 1992:

> "THE PROBLEM WITH THE REASONING OF THE APPELLATE COURT IN ITS OPINION OF NOVEMBER 6, 1991, WHICH RELIES ON JACKSON AS EXPLICATED IN KROL, IS THAT IT ARTIFICALLY ABSTRACTS - AS IT WERE, PLUCKS THE COMMITMENT CHICKEN - "FURTHER EXAMINATION, OBSERVATION AND TREATMENT" FROM THE TOTALITY OF STATE PURPOSE AND FOCUSES ON IT TO JUSTIFY A BENIGN-MENTAL--ILLNESS STANDARD
>
> "THE "SPECIOUS" ARGUMENT OR, BETTER STILL, THE ATTEMPTED DIDDLE GOES LIKE THIS:
>
> "A COMMITMENT FOR THE PURPOSE OF EVALUATION DOES NOT REQUIRE A CERTIFICATION, A PSYCHIATRIC

SHOWING OR EXTRAPOLATION OF SYMPTOMS, BY THE EXAMINING PSYCHIATRIST THAT THE SUBJECT IS PROBABLY PSYCHIARICALLY DANGEROUS, BUT RATHER A MERE SHOWING OF MENTAL ILLNESS: SUCH A STANDARD BEARS A REASONABLE RELATIONSHIP TO THE PURPOSE OF THE COMMITMENT, WHICH IS EVALUATION, AND THEREFORE SATISFIES JACKSON AND SATISFIES KROL.

"THE CHICKEN HAS BEEN PLUCKED!!!!!!!!!!!!"

IT WILL TAKE AN ENTIRE HEN-COOP OF PICKED CHICKENS TO GET OVER THAT ARGUMENT!!!!!!!!
!!!

CLEARLY THE FOCUS IS SO NARROW AS TO EVISCERATE THE BROAD STATE-PURPOSE CRITERION IN JACKSON AS EXPLICATED IN KROL.

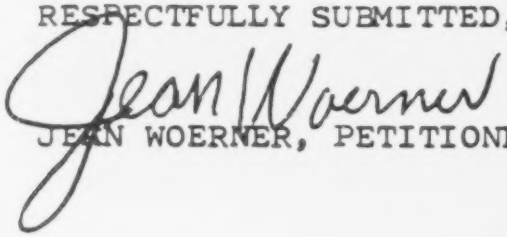
THE ARGUMENT OF THE APPELLATE COURT IS AS FEEBLE-MINDED AS JACKSON HIMSELF!

CONCLUSION:

FOR THE FOREGOING REASONS, PETITIONER RESPECTFULLY SUBMITS THAT THE PETITION FOR WRIT OF CERTIORARI BE GRANTED.

DATED: SEPTEMBER 20, 1992

RESPECTFULLY SUBMITTED,



JEAN WOERNER, PETITIONER

APPENDIX

SUPREME COURT OF NEW JERSEY
M-993 SEPTEMBER TERM 1991
34,582

JEAN WOERNER

PLAINTIFF-RESPONDENT

v.

HARRY BRUNT, M.D.

DEFENDANT-MOVANT

(FILED APRIL 30, 1992)

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ORDERED THAT THE MOTION TO DISMISS THE APPEAL IS GRANTED ON THE BASIS THAT THE MATTER FAILS TO PRESENT A SUBSTANTIAL CONSTITUTIONAL QUESTION.

RULE 2:2-1(a) (1)

WITNESS, THE HONORABLE ROBERT N. WILENTZ, CHIEF JUSTICE, AT TRENTON, THIS 28TH DAY OF APRIL, 1992.

STEPHEN TOWNSEND
CLERK OF THE SUPREME COURT

SUPREME COURT OF NEW JERSEY
M-1374 SEPTEMBER TERM 1991
34, 582

JEAN WOERNER,

PLAINTIFF-MOVANT,

v.

HARRY BRUNT, M.D.,

DEFENDANT-RESPONDENT

ORDER

FILED

JUNE 25, 1992

THIS MATTER BEING DULY PRESENTED TO THE COURT, IT IS ORDERED THAT THE MOTION FOR RECONSIDERATION IS DENIED.

WITNESS, THE HONORABLE ROBER N. WILENTZ, CHIEF JUSTICE, AT TRENTON, THIS 23RD DAY OF JUNE, 1992

STEPHEN TOWNSEND
CLERK OF THE SUPREME COURT

FROM PAGE 4 OF THE BRIEF ON THE MERITS OF JANUARY 6, 1992:

> "PLAINTIFF HAS BEEN SUBJECTED TO A MORE LENIENT COMMITMENT STANDARD THAN THE ONE PROVIDED BY LAW, AND SUCH A READING OF THE SUBSTANCE OF COMMITMENT LAW AS THE ONE MADE BY B & S (JUDGES BILDER AND STERN OF THE APPELLATE DIVISION) DEPRIVES HIM OF EQUAL PROTECTION OF THE LAWS AS GUARANTEED BY THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION."

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE COMMITTEE ON OPINIONS

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-2863-90T1

JEAN WOERNER

PLAINTIFF-APPELLANT

v.

HARRY H. BRUNT, M.D.

DEFENDANT-RESPONDENT

AND

MICHAEL FARREN,

DEFENDANT

ORIGINAL FILED
NOV. 6, 1991
EMILLE R. COX, ESQ.
CLERK

ARGUED OCTOBER 21, 1991 - DECIDED
NOV. 6, 1991

BEFORE JUDGES BILDER AND STERN.

ON APPEAL FROM THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MIDDLESEX COUNTY.

JEAN WOERNER, PRO SE, ARGUED FOR APPELLANT.

CHARLES C. DALEY, JR., ARGUED FOR RESPONDENT HARRY H. BRUNT, M.D. (GROSSMAN & KRUTTSCHNITT, ATTORNEYS; MR. DALEY ON THE BRIEF).

PER CURIAM

ON THIS APPEAL FROM THE GRANT OF SUMMARY JUDGEMENT FOR DEFENDANT BRUNT, WE MUST ACCEPT THE MATERIAL FACTS AS ALLEGED BY PLAINTIFF. AS HE STATES THE FACTS.

> DURING [a] PERIOD OF INCARCERATION THE STATE MADE AN ATTEMPT TO COMMIT PLAINTIFF TO MARLBORO PSYCHIATRIC HOSPITAL ON THE GROUNDS THAT HE WAS A PROBABLE DANGER TO OTHERS AND PROPERTY AS A RESULT OF MENTAL ILLNESS.
>
> [AFTER ONE DOCTOR DECLINED TO CERTIFY THAT PLAINTIFF WAS COMMITTABLE.] THEN DR. BRUNT WAS SOLICITED TO MAKE YET ANOTHER EVALUATION OF PLAINTIFF. DR. BRUNT MADE THIS EVALUATION AND FOUND THAT PLAINTIFF WAS MENTALLY ILL AND COMMITTABLE. THIS EVALUATION WAS DATED AUGUST 28, 1986 AND WAS CITED AT THE COMMITMENT HEARING OF AUGUST 29, 1986 AS JUSTIFYING COMMITMENT.

DEFENDANT BRUNT'S LETTER OF AUGUST 29, 1986 CONCLUDED THAT PLAINTIFF "IS MENTALLY ILL AND IN NEED OF DIAGNOSIS AND OBSERVATION AT MARLBORO PSYCHIATRIC HOSPITAL." AT A HEARING ON AUGUST 29, 1986 THE JUDGE CONCLUDED:

> BASED ON [THE PROSECUTOR'S] AFF-IDAVIT AND BASED ON A FURTHER EXAM-INATION BY A DR. HARRY BRUNT WHEREIN DR. BRUNT EXAMINED MR. WOERNER ON 8-26-86 AND AFTER AN INTERVIEW WHICH HE OUTLINES, HE ARRIVES AT THE CON-CLUSION THAT MR. WOERNER IS MENTALLY ILL AND IN NEED OF DIAGNOSIS AND OBSERVATION AT MARLBORO PSYCHIATRIC HOSPITAL.
>
> ***
>
> BUT I THINK THERE IS SUFFICIENT HERE FOR ME TO ORDER THAT MR. WOERNER BE SENT TO MARLBORO TEMPORARILY, NO LONGER THAN 15 DAYS, TO DETERMINE WHAT HIS MENTAL STATE IS AND TO RECEIVE A REPORT FROM THE DOCTORS THERE ADDRESSED TO ME AT THE END OF 15 DAYS.

ACCORDINGLY, PLAINTIFF WAS "COMMITTED TO MARLBORO TEMPORARILY FOR DIAGNOSIS AND TO REPORT TO THE [THE JUDGE] AT THE END OF 15 DAYS." THE"ORDER FOR TEMPORARY HOSPITA-LIZATION" WAS NOT ENTERED UNTIL SEPTEMBER 8, 1986. IT ATTACHED BRUNT'S LETTER AS A BASIS FOR ENTRY. THE ORDER DIRECTED THAT A CLASS C COMMITMENT PROCEEDING BE IN-STITUTED UNDER N.J.S.A. 30:4-27 et seq. TO BE HEARD WITHIN 20 DAYS IF PLAINTIFF WAS FOUND TO REQUIRE "INVOLUNTARY HOSPITAL-FOR MORE THAN 15 DAYS." APPARENTLY,HE DID NOT.

THE RELEVANT STATUTE, N.J.S.A.30:4-26.3,[1] AUTHORIZED THE ENTRY OF AN ORDER REQUIRING HOSPITALIZATION "FOR THE PURPOSE OF OBSERVATION, EXAMINATION AND TREATMENT FOR A TEMPORARY PERIOD NOT EXCEEDING 15 DAYS." SUCH AN ORDER WAS ENTERED IN THIS CASE ON THE STRENGTH OF DEFENDANT BRUNT'S CERTIFICATION. AS NOTED. AFTER EXAMINATION AT THE HOSPITAL, PLAINTIFF WAS FOUND NOT TO POSE A DANGER TO HIMSELF OR OTHERS AND NO FURTHER COMMITMENT WAS ORDERED.

IN THIS ACTION PLAINTIFF SEEKS RECOVERY FROM DEFENDANT BRUNT FOR DAMAGES SUSTAINED AS A RESULT OF HIS CERTIFICATION. JUDGE QUACKENBOSS DISMISSED THE COMPLAINT, AND WE AFFIRM SUBSTANTIALLY FOR THE REASONS STATED IN HIS LETTER OPINION OF DECEMBER 6, 1990. PLAINTIFF DID NOT HAVE TO BE FOUND A DANGER TO HIMSELF OR OTHERS IN ORDER TO BE HOSPITALIZED FOR EVALUATION UNDER N.J.S.A. 30:4-26.3. COMPARE STATE v. KROL, 68, N.J.236, 260-261 (1975);

N.J.S.A. 30:4-27 et seq.; R 4:74-7. WE ADD THAT, DESPITE BEING GIVEN THE OPPORTUNITIES TO DO SO, PLAINTIFF CAME FORWARD WITH NO REQUIRED EXPERT PROOF THAT DEFENDANT BRUNT DEVIATED FROM ANY MEDICAL STANDARD. CF. LANZET v. GREENBERG, 166 N.J. 168, 197 (1991) (POLLACK J. DISSENTING); ROSENBERG BY ROSENBERG v. CAHILL, 99 N.J. 318, 325-27 (1985).

ACCORDINGLY THE JUDGEMENT IS AFFIRMED.

---

1 N.J.S.A. 30:4-26.3 WAS REPEALED IN 1987 BY L. 1987, c. 116, S 30, EFFECTIVE JUNE 7, 1989, AS PART OF A GENERAL REVISION OF THE LAW CONCERNING ADMISSION OF THE MENTALLY ILL TO INPATIENT FACILITIES. SEE N.J.S.A. 30:4-27.1 et seq.

I HEREBY CERTIFY
THAT THE FOREGOING
IS A TRUE COPY OF
THE ORIGINAL ON
FILE IN MY OFFICE.

EMILLE R. COX, ESQ.
CLERK

SUPERIOR COURT OF NEW JERSEY

CHAMBERS OF ROBERT T. QUACKENBOSS
JUDGE

MIDDLESEX COUNTY COURT
HOUSE
NEW BRUNSWICK, N.J.08903

DECEMBER 6, 1990

MR. JEAN WOERNER
619 SECOND AVE.
AVON, N.J. 07717

CHARLES DALEY, JR., ESQ.
GROSSMAN AND KRUTTSCHNITT
1608 HIGHWAY 88 WEST - SUITE 200
BRICK, N.J. 08724

MICHAEL L. PARK, D.A.G.
HUGHES JUSTICE COMPLEX - CN 116
TRENTON, N.J. 08625

RE: WOERNER V. BRUNT
DOCKET NO.
W-05951-89

DEAR MR. WOERNER AND COUNSEL:

THIS IS WITH FURTHER REFERENCE TO THE MOTION OF DEFENDANT, BRUNT, FOR SUMMARY JUDGMENT WHICH WAS ARGUED BEFORE ME ON FRIDAY NOVEMBER 30, 1990. I RESERVED DECISION AFTER PLACING ON THE RECORD A RECITATION OF THE UNDISPUTED FACTS AND AN ANALYSIS THEREOF LEADING TO THIS CRITICAL LEGAL DECISION THAT HAD TO BE MADE. THIS LETTER, THEN, IS A SUPPLEMENT TO MY REMARKS ON THE RECORD ON NOVEMBER 30.

AFTER FURTHER REVIEW OF THE MATERIAL SUBMITTED AND THE ARGUMENTS OF MR. DALEY AND MR. WOERNER, I FEEL DR. BRUNT'S MOTION FOR SUMMARY JUDGEMENT MUST BE GRANTED.

PLAINTIFF'S CLAIM IS BASED ENTIRELY UPON THE FAILURE OF DOCTOR BRUNT TO CERTIFY THAT PLAINTIFF WAS "A DANGER TO HIMSELF OR OTHERS OR PROPERTY IF HE IS NOT SO CONFINED AND TREATED...".

INDEED, DOCTOR BRUNT DID NOT SO STATE IN HIS LETTER OF AUGUST 28, 1986. HIS COMMENTS WERE, "THERE IS NO QUESTION IN MY MIND THAT THIS GENTLEMAN IS SUFFERING FROM A MENTAL DISORDER" AND "IN MY OPINION MR. WOERNER IS MENTALLY ILL AND IN NEED OF DIAGNOSIS AND OBSERVATION AT MARLBORO PSYCHIATRIC HOSPITAL." HE DID NOT SAY THAT MR. WOERNER WAS A DANGER TO ANYONE OR ANYTHING. THE QUESTION IS WHETHER HE SHOULD, AS A RESULT, BE FOUND LIABLE FOR MEDICAL MALPRACTICE AND HELD RESPONSIBLE FOR THE FACT THAT MR. WOERNER WAS DETAINED AT MARLBORO PSYCHIATRIC HOSPITAL FOR 7 DAYS.

THE QUESTION MUST BE ANSWERED IN THE NEGATIVE. FIRST, ONE MUST CONSIDER THE LEGAL PROCESS IN WHICH DR. BRUNT HAD BECOME INVOLVED. AS NOTED PREVIOUSLY, HE WAS ASKED BY THE MONMOUTH COUNTY PROSECUTOR TO EXAMINE MR. WOERNER AND

OFFER TO THAT OFFICE HIS ADVICE AS TO WHETHER PLAINTIFF WAS IN NEED OF OBSERVATION, EXAMINATION OR TREATMENT IN A MENTAL HOSPITAL. THE PROSECUTOR'S REQUEST OF DOCTOR BRUNT WAS MADE IN THE COURSE OF AN APPLICATION TO THE COURT TO REQUIRE THE PLAINTIFF TO BE ADMITTED TO A MENTAL HOSPITAL PURSUANT TO R.S. 30:4-26.3. ADMISSION TO A MENTAL HOSPITAL PURSUANT TO THAT STATUTE IS NOT A "COMMITMENT" AS PROVIDED FORIN R.S. 30:4-36, et seq. IT IS, INSTEAD, A PROCEDURE BY WHICH A "POLICE OFFICIAL" CAN REQUIRE THEOBSERVATION, EXAMINATION, AND TREATMENT OF SOMEONE WHOM HE BELIEVES TO BE SUFFERING FROM A MENTAL ILLNESS AND TO BE DANGEROUS. THE STATUTE DOES NOT EVEN REQUIRE AN EXAMINATION BY A PHYSICIAN. IT AUTHORIZES THE COURT TO ISSUE AN ORDER FOR TEMPORARY HOSPITALIZATION FOR PURPOSES OF OBSERVATION, EXAMINATION AND TREATMENT IF CERTAIN CONDITIONS EXIST. THOSE CON-

DITIONNS DO NOT INCLUDE A PHYSICIAN'S CERTIFICATION THAT THE PATIENT IS MENTALLY ILL AND REPRESENTS A DANGER TO HIMSELF OR OTHERS. AS A MATTER OF FACT, THE STATUTE SPECIFICALLY PROVIDES THAT ADMISSION MAY BE ORDERED IF A PHYSICIAN HAD, IN FACT, EXAMINED THE PERSON AND MERELY CONFIRMED THE NEED FOR FURTHER EXAMINATION, OBSERVATION AND TREATMENT; DOCTOR BRUNT COMPLIED WITH THAT STANDARD IN HIS LETTER OF AUGUST 28. HE STATED THAT HE FELT MR. WOERNER WAS MENTALLY ILL AND IN NEED OF DIAGNOSIS AND OBSERVATION. THAT IS ALL THE LAW REQUIRED OF AN EXAMINING PSYCHIATRIST IN A PROCEDURE UNDER THIS STATUTE.

I FIND ANOTHER REASON FOR BELIEVING THAT, ON THESE UNDISPUTED FACTS, DOCTOR BRUNT CANNOT BE HELD LIABLE FOR PLAINTIFF'S SEVEN-DAY CONFINEMENT AT MARLBORO. IF, AS MR. WOERNER ARGUES, DOCTOR BRUNT FAILED

TO MEET THE MEDICAL-LEGAL STANDARDS FOR A COMMITMENT, HOW CAN HE BE HELD RESPONSIBLE FOR THE COMMITMENT THAT FOLLOWED? IF THE LEGAL REQUIREMENTS FOR INVOLUNTARY COMMITMENT WERE NOT MET, IT WOULD SEEM THAT THE ERROR LAID WITH THE ONE WHO DIRECTED THE COMMITMENT.

THERE IS, IN FACT, NO PROOF THAT ANYTHING DOCTOR BRUNT DID WAS A PROXIMATE CAUSE OF PLAINTIFF'S ADMISSION TO MARLBORO. THAT ADMISSION WAS ORDERED BY JUDGE NICOSIA. THERE IS NOTHING TO INDICATE THAT HE READ AND RELIED UPON DR. BRUNT'S LETTER IN ORDERING THE ADMISSION. THE ONLY REFERENCE TO THE LETTER IS IS IN A STATEMENT MADE TO THE COURT BY Ms. ABRAMOWITZ INDICATING THAT SHE RELIED UPON THE MATERIAL SUBMITTED INCLUDING DOCTOR BRUNT'S LETTER. WHETHER THE LETTER PLAYED ANY PART IN JUDGE NICOSIA'S DECISION OR WHETHER HE DECIDED THE MATTER UPON ENTIRELY DIFFERENT EVIDENCE IS PROBLEM-

MATIC. AS A MATTER OF FACT, IN A LETTER-MEMORANDUM DATED DECEMBER 1, 1990, MR. WOERNER WOULD SEEM TO ARGUE THAT JUDGE NICOSIA APPARENTLY DID NOT THINK SO, AS PLAINTIFF WAS RELEASED FROM BAIL IN SEPTEMBER OF 1986. IN THE ABSENCE OF SOME PROOF THAT DOCTOR BRUNT'S LETTER WAS A PROXIMATE CAUSE OF PLAINTIFF'S ADMISSION TO MARLBORO, PLAINTIF HAS FAILED TO MAKE OUT A PRIMA FACIE CASE.

FOR THE REASONS GIVEN ABOVE, DEFENDANT'S MOTION FOR SUMMARY JUDGMENT IS GRANTED.

VERY TRULY YOURS,

ROBERT T. QUACKENBOSS

RTQ:gm

GROSSMAN & KRUTTSCHNITT
A PROFESSIONAL CORPORATION
1608 HIGHWAY 88 WEST
BRICK, NEW JERSEY 08724
(908) 206-0200
ATTORNEYS FOR DEFENDANT BRUNR

PLAINTIFF JEAN WOERNER vs. DEFENDANR HARRY BRUNT, M.D. AND MICHAEL FARREN	SUPERIOR COURT OF NEW JERSEY DOCKET NO. W-05951-89 CIVIL ACTION ORDER GRANTING SUMMARY JUDGEMENT TO HARRY BRUNT, M.D.

THIS MATTER, HAVING BEEN OPENED TO THE COURT UPON APPLICATION OF GROSSMAN & KRUTTSCHNITT, P.C., ATTORNEYS FOR THE ABOVE NAMED DEFENDANT. FOR AN ORDER OF SUMMARY JUDGMENT AND THE COURT HAVING CONSIDERED THE MOVING PAPERS AND ALL PAPERS SUBMITTED THEREWITH, AND FOR GOOD CAUSE SHOWN;

IT IS ON THIS 7TH DAY OF DECEMBER, 1990;

ORDERED THAT SUMMARY JUDGEMENT BE AND IS HEREBY GRANTED TO DEFENDANT HARRY BRUNT, M.D., DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE

ROBERT T. QUACKENBOSS, J.S.C.

ORAL OPINION ON RECORD ON 12/7/90

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MIDDLESEX COUNTY
DOCKET NO. W-05951-89
APP. DIV. DOCKET NO. (NOT AVAILABLE)

JEAN WOERNER,

PLAINTIFF,

-v-

HARRY BRUNT, M.D., AND
MR. MICHAEL FARREN,

DEFENDANTS

STENOGRAPHIC
TRANSCRIPT OF
PROCEEDINGS

AUGUST 4, 1989
MIDDLESEX COUNTY
COURTHOUSE
NEW BRUNSWICK, NEW
JERSEY

BEFORE:

THE HONORABLE ROBERT T. QUACKENBOSS,
J.S.C.

TRANSCRIPT ORDERED BY:

JEAN WOERNER, PRO SE,
PLAINTIFF

GROSSMAN & KRUTTSCHNITT
BY: TERENCE J. BOLAN, ESQ.

ATTORNEY FOR DEFENDANT

GAIL L SCHILIZZI,C.S.R.
OFFICIAL COURT REPORTER
MIDDLESEX COUNTY
COURTHOUSE, N. BRUNSWICK

CERTIFICATION

I, GAIL SCHILIZZI, A CERTIFIED SHORTHAND REPORTER OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THE FORE GOING IS A TRUE AND ACCURATE TRANSCRIPT OF MY STENOGRAPHIC NOTES, AS TAKEN IN THE ABOVE MATTER, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

GAIL L.SCHILIZZI, C.S.R.

DATED: NOVEMBER 14, 1989